

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

SONY BMG CD
TECHNOLOGIES LITIGATION

Case No. 1:05-cv-09575-NRB

**NOTICE OF MOTION AND MOTION FOR *PRO HAC VICE* ADMISSION
OF DANIEL C. GIRARD**

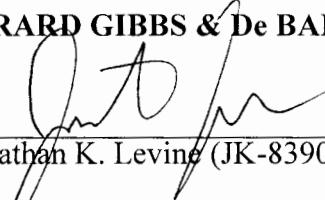
GIRARD GIBBS & De BARTOLOMEO LLP
Daniel C. Girard
Jonathan K. Levine (JL-8390)
Elizabeth C. Pritzker
Aaron M. Sheanin
601 California Street, Suite 1400
San Francisco, California 94108
Telephone: (415) 981-4800
Facsimile: (415) 981-4846

*Plaintiffs' Co-Lead Counsel
Additional Attorneys on Signature Page*

PLEASE TAKE NOTICE that, upon the accompanying Affidavits of Jonathan K. Levine and Daniel C. Girard, dated December 21, 2005 and the exhibit annexed thereto, and upon all prior papers and proceedings, Plaintiffs will move this Court on a date to be determined, upon submission, unless otherwise ordered by the Court, for an order permitting Aaron M. Sheanin of Girard Gibbs & De Bartolomeo LLP, counsel for plaintiffs, to practice before this Court in connection with all proceedings in these matters.

Respectfully submitted,

GIRARD GIBBS & De BARTOLOMEO LLP


Jonathan K. Levine (JK-8390)

Daniel C. Girard
Elizabeth C. Pritzker
Aaron M. Sheanin
601 California Street, Suite 1400
San Francisco, California 94108
Telephone: (415) 981-4800
Facsimile: (415) 981-4846

KAMBER & ASSOCIATES, LLC

Scott A. Kamber (SK-5794)
19 Fulton Street, Suite 400
New York, New York 10038
Telephone: (212) 571-2000
Facsimile: (212) 202-6364

Plaintiffs' Co-Lead Counsel

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

SONY BMG CD
TECHNOLOGIES LITIGATION

Case No. 1:05-cv-09575-NRB

**AFFIDAVIT OF JONATHAN K. LEVINE IN SUPPORT OF PLAINTIFFS'
MOTION FOR *PRO HAC VICE* ADMISSION OF DANIEL C. GIRARD**

GIRARD GIBBS & De BARTOLOMEO LLP
Daniel C. Girard
Jonathan K. Levine (JL-8390)
Elizabeth C. Pritzker
Aaron M. Sheanin
601 California Street, Suite 1400
San Francisco, California 94108
Telephone: (415) 981-4800
Facsimile: (415) 981-4846

Plaintiffs' Co-Lead Counsel

I, Jonathan K. Levine, being duly sworn, deposes and says that the following facts are true and correct to the best of his personal knowledge:

1. I am an attorney duly admitted to practice before this Court. My admission to this Court was on March 14, 1989.
2. I am not under suspension or disbarment by any court.
3. I am a partner of the firm of Girard Gibbs & De Bartolomeo LLP, and my office is located at 601 California Street, Suite 1400, San Francisco, California 94108. My telephone number is (415) 981-4800.
4. I make this affidavit in support of Plaintiffs' motion for the admission of Daniel C. Girard *pro hac vice*.
5. I have known Daniel C. Girard for over seven years and believe he will uphold the integrity of this Court and will comply with all applicable New York Local Rules of Civil Procedure.

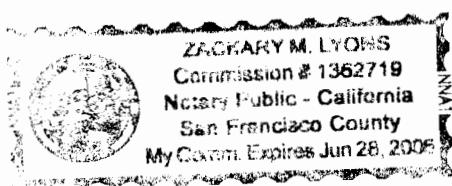
I declare under penalty of perjury and the laws of the United States of America that the foregoing is true and correct. Executed this 21st day of December, 2005 at San Francisco, California.



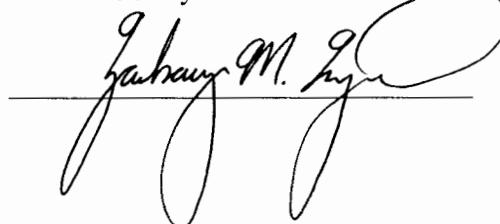
Jonathan K. Levine

State of California)
County of San Francisco)

On December 21, 2005, before me, Zackary M. Lyons, Notary Public, personally appeared Jonathan K. Levine, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity on behalf of which the person acted, executed the instrument.



WITNESS my hand and official seal.



Zackary M. Lyons

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

SONY BMG CD
TECHNOLOGIES LITIGATION

Case No. 1:05-cv-09575-NRB

**AFFIDAVIT OF DANIEL C. GIRARD IN SUPPORT OF PLAINTIFFS'
MOTION FOR *PRO HAC VICE* ADMISSION**

GIRARD GIBBS & De BARTOLOMEO LLP

Daniel C. Girard

Jonathan K. Levine (JL-8390)

Elizabeth C. Pritzker

Aaron M. Sheanin

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San Francisco, California 94108

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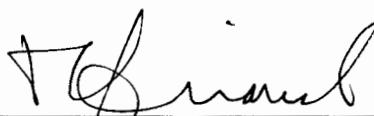
Facsimile: (415) 981-4846

Plaintiffs' Co-Lead Counsel

I, Daniel C. Girard, being duly sworn, deposes and says that the following facts are true and correct to the best of his personal knowledge:

1. I am an attorney duly admitted to practice to law in the State of California. Attached hereto as "Exhibit A" is an original Certificate of Good Standing from the State Bar of California.
2. I am not under suspension or disbarment by any court.
3. I am a the managing partner of the firm of Girard Gibbs & De Bartolomeo LLP, and my office is located at 601 California Street, Suite 1400, San Francisco, California 94108. My telephone number is (415) 981-4800.
4. I make this affidavit in support of Plaintiffs' motion my admission *pro hac vice*.
5. I recognize that if I am admitted *pro hac vice*, I am within the disciplinary jurisdiction of the United States District Court for the Southern District of New York. Upon my admission *pro hac vice*, I agree to comply with all applicable New York Local Rules of Civil Procedure.

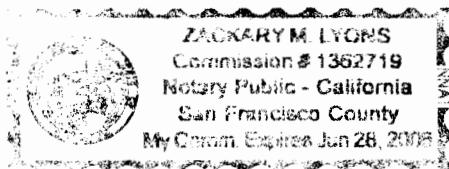
I declare under penalty of perjury and the laws of the United States of America that the foregoing is true and correct. Executed this 21st day of December, 2005 at San Francisco, California.



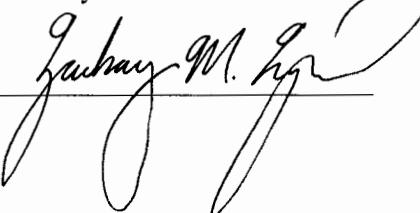
Daniel C. Girard

State of California)
County of San Francisco)

On December 21, 2005, before me, Zackary M. Lyons, Notary Public, personally appeared Daniel C. Girard, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity on behalf of which the person acted, executed the instrument.



WITNESS my hand and official seal.



Zackary M. Lyons



THE
STATE BAR
OF CALIFORNIA

180 HOWARD STREET
SAN FRANCISCO, CALIFORNIA 94105-1639
TELEPHONE (415) 538-2000

December 16, 2005

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, DANIEL CHARLES GIRARD was admitted to the practice of law in this state by the Supreme Court of California on December 3, 1984; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Lorna R. Maynard".

Lorna R. Maynard
Senior Administrative Supervisor

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

SONY BMG CD
TECHNOLOGIES LITIGATION

Case No. 1:05-cv-09575-NRB

CERTIFICATE OF SERVICE

GIRARD GIBBS & De BARTOLOMEO LLP
Daniel C. Girard
Jonathan K. Levine (JL-8390)
Elizabeth C. Pritzker
Aaron M. Sheanin
601 California Street, Suite 1400
San Francisco, California 94108
Telephone: (415) 981-4800
Facsimile: (415) 981-4846

Plaintiffs' Co-Lead Counsel

CERTIFICATE OF SERVICE

I, Zackary M. Lyons, hereby declare as follows:

I am employed by Girard Gibbs & De Bartolomeo, a Limited Liability Partnership, 601 California Street, Suite 1400, San Francisco, California 94108. I am over the age of eighteen years and am not a party to this action. On December 21, 2005, I served the following documents:

- 1) **NOTICE OF MOTION AND MOTION FOR *PRO HAC VICE* ADMISSION OF DANIEL C. GIRARD;**
- 2) **AFFIDAVIT OF JONATHAN K. LEVINE IN SUPPORT OF PLAINTIFFS' MOTION FOR *PRO HAC VICE* ADMISSION OF DANIEL C. GIRARD;**
- 3) **AFFIDAVIT OF DANIEL C. GIRARD IN SUPPORT OF PLAINTIFFS' MOTION FOR *PRO HAC VICE* ADMISSION;**
- 4) **[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR *PRO HAC VICE* ADMISSION OF DANIEL C. GIRARD; and**
- 5) **CERTIFICATE OF SERVICE**

on:

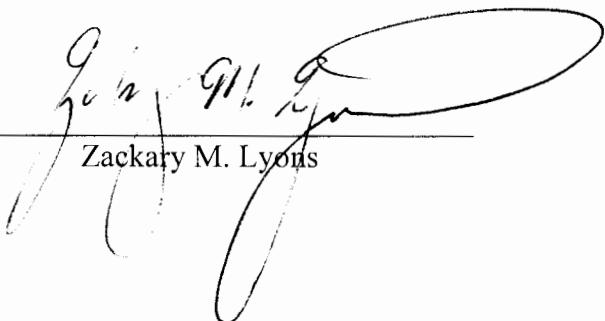
Scott A. Kamber (SK-5794) KAMBER & ASSOCIATES, LLC 19 Fulton Street, Suite 400 New York, New York 10038 Telephone: (212) 571-2000 Facsimile: (212) 202-6364 <i>Plaintiffs' Co-Lead Counsel</i>	Sanford P. Domain (SD-8712) Peter Safirstein (PS-6176) MILBERG WEISS BERSHAD & SCHULMAN LLP One Pennsylvania Avenue New York, New York 10119-0165 Telephone: (212) 594-5300 Facsimile: (212) 868-1229 <i>Plaintiffs' Executive Committee</i>
Ira M. Press (IP-5313) Mark A Strauss (MS-2288) KIRBY McINERNEY & SQUIRE, LLP 830 Third Avenue New York, NY 10022 Telephone: (212) 317-2000 Facsimile: (212) 751-2540 <i>Plaintiffs' Executive Committee</i>	Jason L. Solotaroff (JS-5739) Oren Giskan (OG-3667) GISKAN & SOLOTAROFF 207 West 25 th Street New York, New York 10001 Telephone: (212) 847-8315 Facsimile: (212) 473-8096 <i>Plaintiffs' Executive Committee</i>

<p>David Nester NESTER & CONSTANCE, P.C. 123 West Washington Street Belleville, Illinois 62220-2021 Telephone: (618) 234-4440 Facsimile: (618) 234-6193</p> <p><i>Counsel for Plaintiffs</i></p>	<p>Robert I. Lax (RL-8413) ROBERT I. LAX & ASSOCIATES 535 Fifth Avenue, 21st Floor New York, NY 10017 Telephone: (212) 818-9150 Facsimile: (212) 818-1266</p> <p><i>Counsel for Plaintiffs</i></p>
<p>Daniel Lynch Ethan Preston CIRIGNANI HELLER HARMAN & LYNCH 150 S. Wacker Drive, #2600 Chicago, IL 60606 Telephone: (312) 346-8700 Facsimile: (312) 896-5883</p> <p><i>Counsel for Plaintiffs</i></p>	<p>Jeffrey S. Jacobson DEBEVOISE & PLIMPTON LLP 919 Third Avenue New York, NY 10022 Telephone: (212) 909-6000 Facsimile: (212) 909-6836</p> <p><i>Counsel for Defendants</i></p>
<p>Robert M. Rothman LERACH COUGHLIN STOIA GELLER RUDMAN & ROBBINS LLP 200 Broadhollow Road, Suite 406 Melville, New York 11747 Telephone: (631) 367-7100 Facsimile: (631) 367-1173</p> <p><i>Counsel for Tom Ricciuti, Yvonne Ricciuti and Mary Schumacher</i></p>	<p>Robert S. Green Jenelle Welling Avin P. Sharma GREEN WELLING LLP 595 Market Street, Suite 2750 San Francisco, California 94105 Telephone: (415) 477-6700 Facsimile: (415) 477-6710</p> <p><i>Counsel for Tom Ricciuti, Yvonne Ricciuti and Mary Schumacher</i></p>
<p>Cindy Cohn Fred Von Lohmann Kurt Opsahl Corynne McSherry ELECTRONIC FRONTIER FOUNDATION 454 Shotwell Street San Francisco, California 94110 Telephone: (415) 436-9333 Facsimile: (415) 436-9993</p> <p><i>Counsel for Tom Ricciuti, Yvonne Ricciuti and Mary Schumacher</i></p>	

XXX by placing the document(s) listed above for collection and mailing following the firm's ordinary business practice in a sealed envelope with postage thereon fully prepaid for deposit in the United States mail at San Francisco, California addressed as set forth above.

_____ by transmitting via facsimile the above listed document(s) to the fax number(s) set forth above on this date.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct, executed December 21, 2005, at San Francisco, California.



Zackary M. Lyons

A handwritten signature in black ink, appearing to read "Zackary M. Lyons". The signature is fluid and cursive, with a large oval flourish at the end. Below the signature, the name "Zackary M. Lyons" is printed in a smaller, more formal font.